

to a determination of the case.

4. Those involving the revenues of the State.

5. Those in which the Railroad Commission is a party.

6. In any other case in which it is made to appear that an error of substantive law has been committed by the Court of Civil Appeals which affects the judgment, but excluding those cases in which the jurisdiction of the Court of Civil Appeals is made final by statute.

In all cases where the judgment of the Court of Civil Appeals is a correct one and where the principles of law declared in the opinion of the court are correctly determined, the Supreme Court shall refuse the application; in all cases where the judgment of the Court of Civil Appeals is a correct one but the Supreme Court is not satisfied that the opinion of the Court of Civil Appeals in all respects has correctly declared the law, it shall dismiss the case for want of jurisdiction.

Provided further that in cases of conflict named in Subdivision 2 above, the Supreme Court may, in its discretion, refuse the writ of error where the court is in agreement with the decision of the Court of Civil Appeals in the case in which the application is filed; and in cases of such conflict with a previous opinion of the Supreme Court, the Supreme Court may, in its discretion, without the necessity of granting the writ and hearing the case, reverse and remand the same on the application for writ of error.

Sec. 2. The fact that the language of the present statute relating to the appellate jurisdiction of the Supreme Court of this State is, in many respects, vague and indefinite, rendering it frequently uncertain as to what constitutes the appellate jurisdiction of the Supreme Court of Texas, the importance of having the present statute upon this subject amended so as to better define what such jurisdiction is, the approaching close of the present session of the Legislature and the crowded condition of the calendars of both Houses, creates an emergency and an imperative public necessity which requires that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act take

effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 380, A bill to be entitled "An Act amending Article 416 of the Revised Civil Statutes of 1925 relating to savings banks; authorizing the investment of the savings deposits of such banks in additional classes of securities; enacting provisions better regulating such investments; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

TWENTY-FIFTH DAY.

Senate Chamber,

Austin, Texas,

Friday, February 18, 1927.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Wood.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Berkeley:

S. B. No. 405, A bill to be entitled "An Act to amend Chapter 2, Title 128 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, adding thereto a new article to be known as Article 7622-A, authorizing lands, either within or without existing water improvement districts, to be included within a district organized for cooperation with the United States under the Federal Reclamation Laws, for the purpose of the construction of irrigation works or the obtaining of a water supply therefrom, and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Fairchild:

S. B. No. 406, A bill to be entitled "An Act amending Section 2 of Article 199, Title 8, Revised Civil Statutes of 1925, and providing for changing and prescribing terms and times of holding the courts in the Second Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act; to repeal all laws and parts of laws in conflict herewith; and providing for and declaring an emergency, and providing time for the Act to take effect."

Read first time and referred to Committee on Judicial Districts.

By Senator Wood:

S. B. No. 407, A bill to be entitled "An Act relating to the State Prison System; providing appropriations to pay the outstanding debts of the prison system which are now due or which may mature prior to the first day of September, A. D. 1927; making appropriations for support and maintenance of the prison system until the first day of September, A. D. 1927, etc., and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Bledsoe:

S. B. No. 408, A bill to be entitled "An Act regulating the slaughter and sale of the meat of animals for market and providing that every person engaged in the occupation of a butcher or slaughterer of cattle in this State, shall file a bond to be approved by the county judge of the county in which he desires to carry on such business; setting out the terms of said bond and providing penalties for violation thereof; and repealing Articles 6904 and 6908, Title 121, Chapter 3 of the Revised Civil Statutes of Texas of 1925; and repealing Articles 1447, 1449 and 1450, Title 17, Chapter 11 of the Penal Code of the State of Texas adopted in 1925, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator McFarlane:

S. B. No. 409, A bill to be entitled "An Act to amend Article 4401 and 4403 of the Revised Civil Statutes of Texas by providing that the Attorney General shall be authorized and required to attend sales of property under deeds of trust, to bid on and buy in and sell said property."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Bailey, Love and Hall:

S. B. No. 410, A bill to be entitled "An Act providing that negotiable instruments shall not be rendered non-negotiable by reason of the execution or contents of any other paper creating a lien or other right, securing such negotiable instrument, or by reason of any reference in the negotiable instrument to such other paper, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bailey:

S. B. No. 411, A bill to be entitled "An Act amending Article 7254 of the Revised Civil Statutes of 1925, so as to permit the payment of taxes on land or lots or parts of same where ownership in the same has passed to a person, firm or corporation other than the owner in whose name the same was assessed for taxation, whether the same was separately assessed or not and whether it constitutes the whole or a part of a tract, lot or block of land separately

assessed or not; regulating the payment of such taxes; providing that the vendee may in case of suit to foreclose tax lien require the remainder of the tract from which he purchased land to be first subjected to payment of delinquent taxes before the part thereof purchased is subjected to sale under foreclosure for taxes on the same; prescribing duties of tax collector as to such payments, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wood:

S. B. No. 412, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions named herein for the balance of the fiscal year ending August 31, 1927, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Wirtz:

S. B. No. 413, A bill to be entitled "An Act to amend Chapter 2, of Title 61, of the Revised Civil Statutes of the State of Texas for 1925, by adding thereto Article 3937A, providing for the refund by tax assessors for assessments of property that are cancelled or credit secured for same, on account of erroneous assessments, extending the provisions of the assessors' bonds to include the performance of said duty, providing the manner of refunding said money, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 414, A bill to be entitled "An Act repealing Chapter 1, of the Special Laws of the First Called Session of the Thirty-ninth Legislature, the same being an Act relating to Common School Districts Nos. 1, 2 and 4 of Starr County, Texas, and Rio Grande City Independent School District in Starr County, Texas and also relating to Rio Grande City Consolidated Independent School District in Starr County, Texas, and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Woodward:

S. B. No. 415, A bill to be entitled "An Act to change and prescribe the

time for holding district court of the Fifty-first Judicial District of the State; and to conform all writs and process from such court to such changes and to make all writs and process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties in said district, as herein fixed, and to validate the summoning of grand juries and petit juries; and providing for the continuation of court in session in said district when this Act takes effect, to the end of its term; and repealing all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Judicial Districts.

By Senator Woodward:

S. B. No. 416, A bill to be entitled "An Act relating to the jurisdiction of the County Court of Sterling County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Woodward:

S. B. No. 417, A bill to be entitled "An Act relating to the jurisdiction of the County Court of Irion County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

Senate Bill No. 402.

On the motion of Senator Wirtz S. B. No. 402 was withdrawn from the Committee on State Affairs and referred to the Committee on Mining and Irrigation.

Senate Bill No. 379.

On the motion of Senator Bailey, S. B. No. 379 was recommitted to the Committee on Labor, and the printer was instructed to return the bill.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following with amendments:

S. B. No. 102, A bill to be entitled "An Act authorizing the District Attorney of the Criminal District Court for the counties of Nueces, Kleburg, Kenedy, Willacy and Cameron to appoint assistant district attorneys and investigators; providing for their salaries, prescribing their qualifications and duties and declaring an emergency."

—with amendments.

S. B. No. 126, A bill to be entitled "An Act to make effective the provisions of Section 5, Article 5, of the Constitution of the State of Texas, wherein it is declared that under such regulations as may be prescribed by law, the Court of Criminal Appeals and the judges thereof may issue such writs as may be necessary to enforce the jurisdiction of said court, and to empower said court and the judges thereof to issue writs of mandamus and certiorari, and to enforce obedience thereof, and declaring an emergency."

S. B. No. 167, A bill to be entitled "An Act to create Road District No. 4, in Hill County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence, and declaring an emergency."

S. B. No. 171, A bill to be entitled "An Act relating to cities and towns, and towns and villages, which have assumed control of their schools; declaring them to be independent school districts, etc.

S. B. No. 172, A Bill to be entitled "An Act validating certain cities and towns incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes, 1925, having 600 inhabitants or over, and declaring an emergency."

S. B. No. 183, A bill to be entitled "An Act to create Road District Number One (1), in Matagorda County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such Acts, and declaring an emergency."

S. B. No. 354, A bill to be entitled "An Act to create Road District No. 26 in Brazoria County, Texas; validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district, validating the authorization, issuance and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district, approving and validating all orders of the commissioners' court of said county in respect to said road district, bonds and taxes or certified copies thereof and constituting such orders legal evidence, and declaring an emergency."

S. B. No. 355, A bill to be entitled "An Act to create Road District No. 25 in Brazoria County, Texas, validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district, validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district, approving and validating all orders of the commissioners' court of said county in

respect to said road district, bonds and taxes or certified copies thereof, and constituting such orders legal evidence, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolutions:

H. C. R. No. 26, Officially commending the American Legion of America.

H. C. R. No. 27, Inviting Dr. Charles W. Hackett, of the University of Texas to address a joint meeting of the House and Senate.

H. C. R. No. 23, Amending Article 9, Section IV, pages 94 and 95 of the Rules of the House.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 245, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by cities and towns in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective cities and towns to make such levies by ordinance, and declaring an emergency."

S. B. No. 173, A bill to be entitled "An Act amending Article 4340 of the Revised Civil Statutes of 1925, so as to abolish the office of Chief Clerk to the Secretary of State and creating the office of Assistant Secretary of State prescribing his tenure, qualifications and duties; fixing his compensation for the remainder of his fiscal year, and declaring an emergency."

With amendments.

H. B. No. 256, A bill to be entitled "An Act repealing Chapter 15 of the Special Laws of the Thirty-seventh Legislature, entitled 'An Act creating a more efficient road system for Hardin County, Texas; providing that

each commissioner of the same shall be ex-officio road commissioner of his precinct; providing for an inspection of roads, bridges and culverts by said commissioner; providing for bonds, compensation and duties, and providing for the work of delinquent poll tax payers of the public roads and accepting certain compensation in lieu of road work; providing that the commissioners' court shall have power to build roads, bridges, culverts, etc., by private contract; providing that the commissioners court may employ a superintendent who shall be an experienced civil engineer in road building; providing penalties for the violation of this Act, and this Act shall be cumulative of all General Laws of this State not in conflict herewith; repealing Chapter 82, Special Laws, passed by the Thirty-second Legislature, and declaring an emergency.'"

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

S. C. R. No. 21.

Senator Pollard sent up the following resolution:

By Senators Pollard, Woodward, Smith, Bailey, Greer, McFarlane, Love, Lewis, Price, Neal, Real, Stuart, Miller, Witt, Wirtz, Floyd, Parr, Russek:

Whereas, in 1928, the people of Texas, will have the honor of entertaining the National Convention of the American Legion, and

Whereas, the historic city of San Antonio has been selected for such convention city, and

Whereas, Such convention is the largest convention held in America, and in all probability will bring two hundred thousand visitors to Texas, among whom will be thousands of prominent Americans, as well as distinguished dignitaries from all over the world, and

Whereas, Such convention will have passed into history before the next Regular Session of the Texas Legislature, and

Whereas, We believe the holding of this convention in Texas will be of immeasurable benefit to our State, and that the Legion of America should be officially thanked for selecting Texas as such convention State, and the Legion of Texas deserves and should receive the support of the people of our State in

their worth-while service of bringing this great convention to Texas,

Whereas, the National Commander of the American Legion, Hon. Howard P. Savage, will pay an official visit to Texas within the next few months, and

Whereas, We believe that a visit to our State, in the near future, of the World War leader, General John J. Pershing, and the Assistant Secretary of War, Colonel Hanford MacNider, will be of great benefit to the American Legion of Texas, in building up an adequate membership to more properly prepare for holding such convention, therefore

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That the American Legion of America be officially commended for selecting Texas as such convention state, and that the people of Texas be called upon to assist in every way possible to properly entertain the National Commander of the American Legion upon his visit to Texas, and that General John J. Pershing and Colonel Hanford MacNider be and they are hereby invited to visit Texas; the President of the Senate shall appoint two members of the Senate, and the Speaker of the House, three members of the House, as a committee to make all necessary arrangements for such visit of these prominent Americans to our State.

The resolution was read and adopted.

Simple Resolution No. 61.

Senator Fairchild sent up the following resolution:

By Senator Fairchild:

Whereas, the Committee on Penitentiaries, together with the Governor and the Lieutenant Governor, will visit the State farms in the near future; and

Whereas, the penitentiary question is creating quite a good deal of interest both in the Legislature and over the State; and

Whereas, There is a bill now pending before the Legislature changing the management and providing for other things; and

Whereas, the chairman of the penitentiary committee of the House is well informed upon the penitentiary question and offers his services to this committee on this trip, therefore

Be it Resolved, That the Honorable Lee Satterwhite be added to this com-

mittee and be invited to make this inspection trip with the Senate committee, and that his expenses be paid in the same manner as is provided for the Senate committee.

The resolution was read and adopted.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following executive message:

February 17, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen:

I desire to appoint the persons named below to be members of the Texas Text Book Commission. Perhaps the law does not in express terms require your confirmation of such appointments, but I submit them to you for confirmation:

Honorable Nat Washer of Bexar County.

Honorable A. L. Day of Hunt County.

Honorable J. G. Dunlap of Johnson County.

Honorable Burl Bryant of Wichita County.

Miss Kathryn Robbins of Milam County.

Miss Catherine Gorbett of El Paso County.

Honorable R. C. Patterson of Hays County.

The above list includes one business man, one city superintendent, one high school principal, two county school superintendents, one city grade teacher and one rural school teacher. This commission, as I understand it, conforms to the statute with reference to the commission, and each name has been taken from the list furnished me by the committee authorized under Article 2839, Revised Civil Statutes, 1925.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

February 17, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen:

With your advice, consent and confirmation, I desire to appoint the following named persons to be members of the Livestock Sanitary Commission of the State of Texas:

Honorable Richard King of Nueces County, to be chairman.

Honorable J. B. Anderson of Harrison County, to be a member.

Respectfully submitted,
DAN MOODY,
Governor of Texas.

Senate Bill No. 102.

On the motion of Senator Parr, Senate concurred in the House amendments to S. B. No. 102, by the following vote:

Yeas—25.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Fairchild.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wirtz.
Moore.	Wood.
Parr.	Woodward.
Pollard.	

Absent.

Bowers.	Lewis.
Floyd.	Neal.
Gier.	Triplett.

The following is a copy of the amendment:

Amend Senate bill No. 102 by striking out all after the enacting clause, and insert the following in lieu thereof:

Section 1. The district attorney of any criminal district court only for more than one county may appoint one assistant district attorney for each county containing a population of 22,000 or more as shown by the last preceding census of the United States, provided said district attorney shall furnish data to the judge of said criminal district court that he is in need of said assistants and it is necessary for the investigation and prosecution of crime and the efficient enforcement of law and to the best interest of the State that such assistant district attorneys be appointed. And when said data is furnished to said judge of said criminal district court he shall forthwith certify the same to the commissioners' court of the county in which such appointment is to be made.

And said district attorney is hereby authorized, with the approval of the commissioners' court of such

county, to appoint one assistant district attorney for each county, as provided above, who shall receive a salary to be fixed by said commissioners' court in such county not to exceed \$2,400 per annum. The salary of such assistant district attorneys above provided for shall be paid by the county for which said assistant is appointed, by warrant drawn on the general funds thereof, all salaries payable monthly.

Every person so appointed shall be a qualified resident attorney of the county and district in which such appointment is made, and shall give bond and take the oath of office required of district attorneys of this State, and shall have the power and authority to perform all the acts and duties of district attorneys under the law of this State, and said appointments shall be for such time as the district attorney shall deem best in the enforcement of the law, not to be less than one month.

Sec. 2. The assistant district attorneys, above provided for when appointed and qualified, shall be authorized to represent the State in any court or proceeding in said district in which such district attorney is or shall be authorized to represent the State, such authority to be exercised under the direction of said district attorney, and said assistant district attorneys shall be authorized to perform any official act devolving upon or authorized by said district attorney in said district.

Sec. 3. Said district attorney may likewise be and is hereby authorized, with the approval of such county commissioners' court of each county wherein an assistant district attorney may be appointed as provided by this Act, to appoint one special investigator for each of said counties wherein an assistant district attorney may be appointed as provided by this Act, at a salary to be fixed by said commissioners' court not to exceed \$2,400 per annum. The salary of such special investigator above provided for shall be paid by each county in which a special investigator is appointed, by warrant drawn on the general funds thereof, all such salaries to be payable monthly. Said assistant district attorneys and special investigator is appointed, by warrant drawn on the general funds thereof, all such salaries to be payable monthly. Said assistant dis-

trict attorneys and special investigators shall be subject to removal at the will of said district attorney. This article is not intended to repeal any other law now existing, but is cumulative thereof.

Sec. 4. The importance of this measure and the fact that there is now no law authorizing the appointment of assistant district attorneys for certain criminal district courts, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amend the caption to S. B. No. 102, by striking out all above the enacting clause, and insert in lieu thereof the following:

A BILL

To Be Entitled

An Act authorizing the district attorney of any criminal court for more than one county to appoint assistant district attorneys and investigators in certain counties, providing for their salaries, prescribing their qualifications and duties, and declaring an emergency."

Special Order.

On motion of Senator Woodward, S. B. No. 21 was made special order for Monday morning.

S. J. R. No. 24.

The Chair laid before the Senate, on third reading, the following resolution:

S. J. R. No. 24, A joint resolution "Proposing an amendment to the Constitution of the State of Texas providing for a Supreme Court consisting of a chief justice and not less than eight associate justices, one Court of Criminal Appeals consisting of a presiding judge and not less than two associate judges, and altering the provisions of Article V of the State Constitution so as to more adequately provide for a judicial department of the State Government."

The resolution was read and adopted by the following vote:

Yeas—29.

Bailey.	Bowers.
Berkeley.	Fairchild.
Bledsoe.	Floyd

Greer.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
Love.	Triplett.
McFarlane.	Ward.
Miller.	Westbrook.
Moore.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Price.	Woodward.
Real.	

Absent.

Lewis.	Neal.
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Senate Bill No. 293.

Senator Fairchild received unanimous consent to take up S. B. No. 293, and the same was laid on the table subject to call.

Senate Bill No. 230.

Senator Witt received unanimous consent to take up out of its regular order the following bill:

S. B. No. 230, A bill to be entitled "An Act creating the County Court at Law of McLennan County, defining the jurisdiction of said court; regulating practice therein; prescribing the terms of said court; providing for clerk thereof; providing for transfer of all cases pending in the county court of said court; creating the office of Judge of the County Court at Law of McLennan County; providing for the selection of the judge of said court; prescribing his qualifications, fixing his compensations; and limiting the jurisdiction of the County Court of McLennan County and providing for the annual salary of the county judge."

The bill was read second time, the committee report adopted, and passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 230 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Holbrook.
Berkeley.	Lewis.
Bledsoe.	Love.
Bowers.	McFarlane.
Fairchild.	Miller.
Floyd.	Moore.
Hall.	Parr.
Hardin.	Pollard.

Price. Ward.
Real. Westbrook.
Reid. Wirtz.
Russek. Witt.
Smith. Wood.
Stuart. Woodward.
Triplett.

Absent.

Greer. Neal.

The bill was read third time and passed finally.

Senate Bill No. 128.

Senator Berkeley called from the table the following bill:

S. B. No. 128, A bill to be entitled "An Act to provide for co-operation between the State of Texas and the United States Department of Agriculture in the destruction of predatory animals, coyotes, wolves, mountain lions, bobcats and other predatory animals, and rodent pests i. e. prairie dogs, jack rabbits, pocket gophers, and ground squirrels, appropriating funds for such purposes and declaring an emergency."

The bill was read second time.

Senator Pollard sent up the following amendment:

(Amendment No. 1, S. B. No. 128.)

Amend S. B. No. 128, by adding after the words "prairie dogs" wherever they occur, the word "salamander."

The amendment was read and adopted.

Senator McFarlane sent up the following amendment:

(Amendment No. 2, S. B. No. 128.)

Amend S. B. No. 128, by striking out the appropriations wherever it appears.

The amendment was read.

Senator Berkeley moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—9.

Berkeley. Real.
Fairchild. Ward.
Lewis. Westbrook.
Love. Woodward.
Price.

Nays—16.

Bailey. Hall.
Bledsoe. McFarlane.
Bowers. Miller.

Moore. Smith.
Parr. Stuart.
Pollard. Triplett.
Reid. Wirtz.
Russek. Wood.

Present—Not Voting

Floyd.

Absent.

Greer. Neal.
Hardin. Witt.
Holbrook.

The amendment was adopted.

The bill was ordered engrossed.

Bills Signed.

After their captions were read, the Chair signed, in the presence of the Senate, the following bills:

S. B. No. 354.	H. B. No. 231.
S. B. No. 355.	H. B. No. 128.
S. B. No. 183.	H. B. No. 47.
S. B. No. 167.	H. B. No. 41.
S. B. No. 126.	H. B. No. 38.
S. B. No. 172.	H. B. No. 29.
S. B. No. 171.	H. B. No. 334.
S. B. No. 102.	H. B. No. 147.
H. C. R. No. 26.	H. C. R. No. 2.
H. B. No. 57.	H. C. R. No. 22.

Senate Bill No. 293.

Senator Fairchild called from the table the following bill:

S. B. No. 293, A bill to be entitled "An Act granting and donating to Tyler County, Texas, for a period of fifteen years beginning January 1, 1928, that part of the State ad valorem taxes which is in excess of 10 cents on the one hundred dollars' valuation of property subject to taxation collected upon property and from persons in said county including the rolling stock belonging to railroad companies which shall be ascertained and apportioned as provided by law, for road and bridge purposes, etc., and declaring an emergency."

The bill was read second time.

Senator Fairchild sent up the following amendment:

Amend S. B. No. 293 by striking out all of lines 29, 30 and 31 on page 1 and striking out the words "construction in said county" in line 32, page 1, and inserting in Section 1 in lieu of said language just before the words "that part of the State" the following words: "For the purpose of constructing or main-

taining roads and bridges in the County of Tyler."

The amendment was read and adopted.

Senator Fairchild sent up the following amendment:

Amend S. B. No. 293 by adding at the end of Section 1 thereof the following: "Provided that none of said monies herein donated shall be used to pay any of the present outstanding debts or obligations of said county."

The amendment was read and adopted.

Senator McFarlane sent up the following amendment.

Amend S. B. No. 293, by adding the following counties after the words "Tyler County" wherever they appear in the bill: Hardeman, Foard, Knox, Wilbarger, Baylor, Wheeler, Archer, Young and Clay.

The amendment was read.

Senator Fairchild made the point of order that the amendment was not germane to the bill.

The Chair (Lieut. Gov. Miller) sustained the point of order, holding that the amendment did not show the existence of the same public necessity as set out in the bill.

Recess.

On the motion of Senator Moore, the Senate, at 12 o'clock, recessed until 2 o'clock p. m.

After Recess.

The Senate was called to order at 2 o'clock p. m. by Lieutenant Governor Barry Miller, pursuant to recess.

Senate Bill No. 293.

The question recurred upon the engrossment of S. B. No. 293.

The bill was ordered engrossed by the following vote:

Yeas—18.

Bailey.	Love.
Berkeley.	Miller.
Bowers.	Neal.
Fairchild.	Parr.
Floyd.	Real.
Hall.	Reid.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Wood.

Nays—6.

Greer.	Smith.
McFarlane.	Wirtz.
Moore.	Woodward.

Absent.

Bledsoe.	Witt.
Pollard.	

The following pairs were announced:

(Pairs Recorded.)

Senator Westbrook (present), who would vote nay with Senator Stuart (absent), who would vote yea.

Senator Price (present), who would vote nay with Senator Russek (absent), who would vote yea.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 293 was put on its third reading and final passage, by the following vote:

Yeas—26.

Bailey.	Parr.
Berkeley.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Nays—2.

Greer.	McFarlane.
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Absent.

Bledsoe.	Stuart.
Russek.	

The bill was read third time and passed finally, by the following vote:

Yeas—20.

Bailey.	Hall.
Berkeley.	Hardin.
Bowers.	Holbrook.
Fairchild.	Lewis.
Floyd.	Neal.
Greer.	Parr.
Love.	Real.
Miller.	Reid.

Triplett.	Witt.
Ward.	Wood.
Nays—6.	
McFarlane.	Smith.
Moore.	Wirtz.
Pollard.	Woodward.
Absent.	

Bledsoe.

(Two Pairs.)

The following pairs were announced:

(Pairs Recorded.)

Senator Westbrook (present), who would vote nay with Senator Stuart (absent), who would vote yea.

Senator Price (present), who would vote nay with Senator Russek (absent), who would vote yea.

Senate Bill No. 128.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 128 was put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Neal.
Berkeley.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Bledsoe.	Stuart.
Russek.	Witt.

The bill was read third time and passed finally.

Senate Bill No. 30.

Senator Floyd moved to suspend the regular order of business and take up S. B. No. 30.

The motion prevailed by the following vote:

Yeas—24.

Berkeley.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Neal.	Woodward.

Nays—1.

Moore.

Present—Not Voting

Bailey.	Hall.
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Absent.

Bledsoe.	Smith.
Russek.	Stuart.

The Chair laid before the Senate the following bill:

S. B. No. 30, A bill to be entitled "An Act authorizing the creation of a junior college in any independent district or city that has assumed control of its schools in the State of Texas, having taxable values of property for school purposes of not less than \$12,000,000.00, and authorizing the creation of junior college in any county of the State having taxable values for school purposes of not less than \$12,000,000.00; providing for the establishment, support, and operation of a junior college established as herein provided, etc., repealing all laws and parts of laws that conflict therewith, and declaring an emergency."

The bill was read second time.

The substitute by Senator Floyd printed on page _____ of the Journal was adopted.

Senator Moore sent up the following amendment:

Amend S. B. No. 30, Section 12, as substituted for S. B. No. 54 on page 263 of the Senate Journal, by striking out all after the word "funds" and insert in lieu thereof the following: "shall ever be appropriated out of the general treasury of the State of Texas for the establishment, support, or maintenance of junior colleges sought to be established under this Act."

The amendment was read.

Senator Wood sent up the follow-

ing substitute for the amendment by Senator Moore:

Amend S. B. No. 30, as shown at page 263 of the Senate Journal, by striking out Section 12 and insert in lieu thereof the following:

"Section 12. No part of the available school fund of this State shall be used for the establishment, support and maintenance of a junior college; and no State funds shall be used for such purposes and it is declared the policy of the Legislature that no appropriation shall be made out of any funds available to it for appropriation to establish, support or maintain junior colleges."

The substitute was read and adopted.

The amendment as substituted was adopted.

Senator Price sent up the following amendment:

Amend Section 16 of S. B. No. 30, by adding thereto the following:

"Provided, however, this Act shall not affect the legality or interfere with the operation of junior colleges heretofore established, or for which bonds have been voted under the laws of this State."

The amendment was read and adopted.

Senator Witt sent up the following amendment:

Amend substitute for S. B. No. 30, as amended by making the number of enrollment in high school grades and the tax rate in the caption of this bill conform in the provisions of the bill.

The amendment was read and adopted.

Senator Berkeley sent up the following amendment:

Amend S. B. No. 30, page 261, printed bill in the Journal, Section 1, line 11, by substituting "300" for the figures "400."

The amendment was read and adopted.

Senator Moore sent up the following amendment:

(Amendment No. 5, S. B. No. 30.)

Amend caption of S. B. No. 30, by adding the words "two-thirds" before the word "majority" wherever it appears.

The amendment was read and adopted.

Senator Fairchild sent up the following amendment:

Amend S. B. No. 264, page 6, by

adding a new section, 15B, providing that from and after the passage of the bill creating junior colleges, all first and second year college training in the various universities of the State, the teachers' colleges, A. & M., C. I. A. or any other college shall be discontinued and the courses taught in the junior colleges.

The amendment was read.

The amendment was tabled on the motion of Senator Pollard.

Senator Wirtz offered the following amendment:

(Amendment No. 8, S. B. No. 30.)

Amend S. B. No. 30 by adding after Section 14 a new section, numbered 14a, and reading as follows:

"Sec. 14a. No free text books shall be furnished by the State, or money appropriated be used to furnish text books to any student attending any institution created hereunder.

The amendment was read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—24.

Bailey.	Neal.
Berkeley.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	Wood.

Nays—4.

Bledsoe.	Moore.
Miller.	Wirtz.

Absent.

Russek.	Woodward.
Stuart.	

On the motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 30 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Fairchild.
Berkeley.	Floyd.
Bledsoe.	Greer.
Bowers.	Hall.

Hardin.	Price.
Holbrook.	Real.
Lewis.	Reid.
Love.	Smith.
McFarlane.	Triplett.
Miller.	Ward.
Moore.	Westbrook.
Neal.	Wirtz.
Parr.	Witt.
Pollard.	Wood.

Absent.

Russek.	Woodward.
Stuart.	

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	Neal.
Berkeley.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	Wood.

Nays—4.

Bledsoe.	Moore.
Miller.	Wirtz.

Absent.

Russek.	Woodward.
Stuart.	

House Bills Read and Referred.

After their captions were read the Chair referred the following bills:

House Bill No. 245 referred to Committee on Civil Jurisprudence.

House Bill No. 256 referred to Committee on State Highways and Motor Traffic.

H. C. R. No. 26.

H. C. R. No. 26, on the motion of Senator Pollard was laid on the table subject to call.

H. C. R. No. 27.

The Chair laid before the Senate on first reading the following resolution:

H. C. R. No. 27, inviting Professor Chas W. Hackett, of the University of Texas, to address a joint session of the Senate and the House.

The resolution was read and adopted.

Senate Bill No. 347.

Senator Bledsoe received unanimous consent to take up out of its order the following bill:

S. B. No. 347, A bill to be entitled "An Act creating and establishing the 99th Judicial District, to be composed of Lubbock County, Texas; fixing the terms and the times of holding the district court in said district; providing for the transfer of some of the cases pending in the 72nd Judicial District Court in said county to the court herein created, and requiring the necessary things to be done in connection with said transfer of cases; providing for the district clerk of Lubbock County to act as such clerk for the district court herein created; providing that the district attorney for the 72nd Judicial District shall act as the district attorney for said court herein created; providing for a district judge for the court herein created; providing that the sheriff of Lubbock County shall perform duties in connection with said court herein created as provided by general law in connection with district courts; enacting the necessary provisions in reference to process and writs, records and papers, connected with cases transferred under this Act; providing all matters and things incidental to the main purpose of this Act, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 347 was put on its third reading and final passage, by the following vote:

Yeas—26.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.

Nays—1.

Greer.

Absent.

Moore.

Stuart.

Russek.

Woodward.

The bill was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.

Parr.

Berkeley.

Pollard.

Bledsoe.

Price.

Bowers.

Real.

Fairchild.

Reid.

Floyd.

Smith.

Hall.

Triplett.

Hardin.

Ward.

Holbrook.

Westbrook.

Lewis.

Wirtz.

Love.

Witt.

McFarlane.

Wood.

Miller.

Woodward.

Neal.

Nays—1.

Greer.

Absent.

Moore.

Stuart.

Russek.

Senate Bill No. 147.

Senator McFarlane received unanimous consent to take up out of its order the following bill:

S. B. No. 147, A bill to be entitled "An Act to amend Article 2625 revised Civil Statutes of Texas to change the number of the board of regents from six to nine members; and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was adopted.

The bill was passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 147 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.

Hardin.

Berkeley.

Holbrook.

Bledsoe.

Lewis.

Bowers.

Love.

Fairchild.

McFarlane.

Floyd.

Miller.

Greer.

Moore.

Hall.

Neal.

Parr.

Ward.

Pollard.

Westbrook.

Price.

Wirtz.

Real.

Witt.

Reid.

Wood.

Smith.

Woodward.

Triplett.

Absent.

Russek.

Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—27.

Berkeley.

Parr.

Bledsoe.

Pollard.

Bowers.

Price.

Fairchild.

Real.

Floyd.

Reid.

Greer.

Smith.

Hall.

Triplett.

Hardin.

Ward.

Holbrook.

Westbrook.

Lewis.

Witt.

Love.

Wood.

McFarlane.

Woodward.

Miller.

Wirtz.

Neal.

Nays—1.

Bailey.

Absent.

Moore.

Stuart.

Russek.

Senate Bill No. 157.

Senator Wood received unanimous consent to take up the following bill:

S. B. No. 157, A bill to be entitled "An Act providing that all statements made to any Fraternal Benefit Society by the insured shall, in the absence of fraud, be deemed representations and not warranties; that the policies shall be incontestable after two years from date; and providing that in all cases where a loss occurs and the Fraternal Benefit Society liable thereunder shall fail to pay the same within sixty days after proof of death has been made therefor, such society shall be liable to pay the beneficiary of such policy, in addition to the amount of loss, twelve per cent damages on the amount of such loss, together with reasonable attorneys' fee for the prosecution and collection of such loss; and providing the amount to be paid when age is mis-stated; and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was adopted.

The bill was read second time and passed to engrossment.

On the motion of Senator Wood the rule was not suspended by the following vote:

Yeas—21.

Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Smith.
Greer.	Triplett.
Hall.	Ward.
Lewis.	Wirtz.
Love.	Witt.
Moore.	Wood.
Parr.	Woodward.
Pollard.	

Nays—6.

Bailey.	Miller.
Holbrook.	Neal.
McFarlane.	Westbrook.

Absent.

Floyd.	Russek.
Hardin.	Stuart.

Senate Bill No. 169.

Senator Real received unanimous consent to take up out of its regular order the following bill:

S. B. No. 169, A bill to be entitled "An Act providing for the extension of electric light, power and gas lines by street and interurban railway corporations for the purpose of supplying light, power and gas to the public at points beyond the territory adjacent to the town or cities in or through which they operate, with the right for such purposes, of any such corporation to acquire, lease, or purchase the physical properties, rights and franchises, of any other person, firm or corporation engaged in the business of selling electric light, power or gas to the public, and declaring an emergency.

The bill was read second time and passed to engrossment.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 169 was put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Bledsoe.
Berkeley.	Bowers.

Fairchild.
Greer.
Hall.
Holbrook.
Lewis.
Love.
McFarlane.
Miller.
Moore.
Neal.
Parr.
Pollard.

Price.
Real.
Reid.
Smith.
Triplett.
Ward.
Westbrook.
Wirtz.
Witt.
Wood.
Woodward.

Absent.

Floyd.	Russek.
Hardin.	Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Russek.	Stuart.
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Senate Bill No. 288.

Senator Bailey received unanimous consent to take up out of its regular order the following bill:

S. B. No. 288, A bill to be entitled "An Act to provide additional compensation to official shorthand reporters of Texas in judicial districts composed of two or more counties by allowing compensation for actual necessary expenses when engaged in the discharge of their official duties, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 288 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Russek. Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Russek. Stuart.

House Bill No. 351.

Senator Reid received unanimous consent to take up out of its order the following bill:

H. B. No. 351, A bill to be entitled "An Act providing for assistants to the district attorney in judicial district composed of more than one county and in which there is a city of 50,000 inhabitants or more; providing for the compensation, oath, tenure and duties of said assistants; and providing all things necessary and incident to the main purpose of the Act; and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Reid, the constitutional rule requiring bills to

be read on three several days was suspended and H. B. No. 351 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Stuart. Russek.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Russek. Stuart.

Senate Bill No. 197.

Senator Wood received unanimous consene to take up out of its regular order the following bill:

S. B. No. 197, A bill to be entitled "An Act to amend Article 3716 of the Revised Civil Statutes of the State of Texas of 1925 by adding thereto a provision as follows: "Provided, however, that in actions begun during the lifetime of the decedent in which executors, administrators, guardians or the heirs of legal representatives of the decedent, have been substituted as parties plain-

tiff or defendant in which such actions either plaintiff or defendant has testified in open court or by deposition and has been subjected to cross examination by either party may be admitted in evidence upon any subsequent trial of the same issues between the surviving party and the executors, administrators, guardians, heirs or legal representatives of the deceased party, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 197 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Russek. Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Triplett.
Greer.	Wood.
Hall.	Reid.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Smith.
Miller.	Woodward.
Moore.	

Absent.

Russek. Stuart.

Senate Bill No. 173.

On the motion of Senator Wood the Senate concurred in the House amendment to S. B. No. 173 by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
Miller.	Wood.
Moore.	Woodward.

Nays—1.

McFarlane.

Absent.

Russek. Stuart.

The following is a copy of the House amendments:

Amend S. B. No. 173, Article 4340, line 34 after the word "law"; add, "and he shall have had at least five years actual practice in this State prior to his appointment."

Amend S. B. No. 173, page 11 lines 39 and 40 by striking out in line 39 five thousand dollars per annum and insert in lieu thereof four thousand dollars per annum; also strike out three thousand dollars in line 40 and insert in lieu thereof two thousand five dollars.

Senate Bill No. 147.

Senator Neal moved to reconsider the vote by which S. B. No. 147 was finally passed, and the motion was ordered spread on the Journal.

Executive Session.

On the motion of Senator Hall the Senate at 5:30 p. m. went into executive session to consider nominations of the Governor, and the Committee on Governor's Nominations was instructed to report immediately.

After Executive Session.

The Secretary reported to the Journal Clerk the confirmation of the fol-

lowing appointees in Executive Session:

Honorable Nat Washer of Bexas County.

Honorable A. L. Day of Hunt County.

Honorable J. G. Dunlap of Johnson County.

Honorable Burl Bryant of Wichita County.

Miss Kathryn Robbins of Milam County.

Miss Catherine Gorbett of El Paso County.

Honorable R. C. Patterson of Hays County.

Honorable Richard King of Nueces County.

Honorable J. B. Anderson of Harrison County.

Senate Resolution No. 62.

Senator Greer received unanimous consent to send up the following:

S. R. No. 62, A resolution "providing for a Legislative Committee to be appointed by the Lieutenant Governor composed of three members to make an investigation in reference to free textbooks and to make recommendations as to any needed changes in the law with reference to the distribution of textbooks such as will prevent an accumulation of unnecessary books, said Committee to report back to the Legislature at the First Called Session of the Fortieth Legislature; providing for per diem and expenses of said Committee.

Be it resolved by the Senate of the State of Texas.

Section 1. The Lieutenant Governor shall appoint a committee of three members of the Senate to make an investigation in reference to free textbooks in this State and make a report in writing to the First Called Session of the Fortieth Legislature.

Section 2. It shall be the duty of said Committee to make said investigation, particularly in reference to the distribution of free textbooks in this State, and shall make investigation and recommendations to the Legislature as to any needed legislation that will provide for a more efficient distribution of such textbooks and prevent an accumulation of unnecessary books either in the schools of the State or the State depositories for free textbooks, and such as will prevent the unnecessary purchasing of surplus stocks of free textbooks in this State.

Section 3. Each member of said Committee shall be entitled to a per diem of five dollars per day and actual expenses incurred while in the performance of duties under this resolution. There is hereby appropriated out of the fund available for contingent expenses of the Senate the sum of fifteen hundred dollars or so much thereof as may be necessary to pay said per diem and expenses of said Committee.

The resolution was ordered printed in the Journal.

Senate Bill No. 182.

Senator Holbrook received unanimous consent to take up the following bill:

S. B. No. 182, A bill to be entitled "An Act to provide an old age relief system for resident citizens over the age of seventy years; providing for the administration of the system through the county commissioners' courts of the various counties in the State and permitting the payment of the old age relief and the expense of the administration from the general revenue of the county of which the applicant is a resident; prescribing the qualifications of an applicant for relief under the Act and permitting the discontinuance of the relief on conviction of an offense or upon evidence of changed status of the beneficiary; and fixing the punishment of any applicant or other person violating any of the provisions of the Act, defining certain terms used in the Act and indentifying the measure as the Old Age Relief Act of the State of Texas and declaring an emergency."

The bill was read second time.

The committee report carrying amendment was adopted.

The bill was passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 182 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.
Berkeley.
Bledsoe.
Bowers.
Fairchild.
Floyd.

Greer.
Hall.
Hardin.
Holbrook.
Lewis.
Love.

McFarlane.	Smith.
Miller.	Triplett.
Moore.	Ward.
Neal.	Westbrook.
Parr.	Wirtz.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.
Reid.	

Absent.

Russek.	Stuart.
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The bill was read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	Parr.
Berkeley.	Price.
Bowers.	Real.
Fairchild.	Reid.
Garner.	Smith.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Nays—1.

McFarlane.

Absent.

Bledsoe.	Pollard.
Floyd.	Russek.
Hardin.	Stuart.

Adjournment.

On the motion of Senator Bowers the Senate at 5:16 p. m. adjourned until Saturday morning at 10:00 a. m.

APPENDIX.

Committee on Enrolled Bills.

Committee Room.
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the Senate.
Sir: We, your Committee on Enrolled Bills, have had S. B. No. 78 carefully examined and compared, and find the same correctly enrolled and have this day at 4 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 22 carefully examined and compared, and find the same correctly enrolled and have this day at 4 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 355 carefully examined and compared, and find the same correctly enrolled and have this day at 2:30 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 183 carefully examined and compared, and find the same correctly enrolled and have this day at 2:30 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 354 carefully examined and compared, and find the same correctly enrolled and have this day at 2:30 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 172 carefully examined and compared, and find the same correctly enrolled and have this day at 2:30 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 171 carefully examined and compared, and find the same correctly enrolled and have this day at 2:30 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 126 carefully examined and compared, and find the same correctly enrolled and have this day at 2:30 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 167 carefully examined and compared, and find the same correctly enrolled and have this day at 2:30 o'clock p. m. presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 18, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 293 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 230 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 128 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 18, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 347 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highway and Motor Traffic, to whom was referred

S. B. No. 274, A bill to be entitled "An Act requiring all motor vehicles, tractors, trailers, semi-trailers and motorcycles operating on the public highways of this State to have attached to the rear, or rear and front of same, license plates secured by locking type bolts, as hereinafter defined; providing for the issuance of locking type bolts; prescribing a penalty for the violation of the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FLOYD, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 159, A bill to be entitled "An Act making an emergency and supplemental appropriation out of the General Revenues of the State to be used by the Live Stock Sanitary Commission of Texas in the eradication and control of contagious, infectious and communicable diseases of live stock, and in the eradication and con-

trol of the fever carrying tick (*Margaropus Annulatus*) and other agencies of transmission of communicable infectious and contagious diseases of live stock and for the purchase of necessary dipping material, testing fluids and chemicals; and for the eradication and control of the infectious disease of chickens known as Bacillary White Diarrhea, including necessary equipment and expense of laboratory and salaries and expenses of veterinarians and other necessary employees in connection with the eradication and control of said disease and the promulgation and enforcement of the rules and regulations of the Live Stock Sanitary Commission in connection therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with amendments, and be not printed.

WOOD, Chairman.

1. Amend Senate Bill No. 159, by striking out the words and figures "three hundred and fifty thousand dollars" wherever they appear in the Bill, and inserting in lieu thereof "one hundred and fifty thousand dollars."

2. Strike out all after the word "for" in the latter part of Section 1, and insert in lieu thereof the following: "The period beginning February 1st, 1927, the same to be available upon the passage of this Act."

Committee Room.

Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highway and Motor Traffic, to whom was referred

S. B. No. 321, A bill to be entitled "An Act amending Article 6770 of the Revised Civil Statutes, 1925, said Article being a part of the laws of this State relating to roads, bridges, and ferries so as to eliminate that part of said Article exempting Hunt County from Subdivision 4, Chapter 3, Title 116, of the Revised Civil Statutes, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room.

Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highway and Motor Traffic, to whom was referred

H. B. No. 11, A bill to be entitled "An Act to create Road District Number Four (4), of Shelby County, Texas validating and approving all orders made by the Commissioners' Court of said County; in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds thereof, dated Aug. 11, 1919, and numbered 171 to 210, inclusive, and also the bonds of said district dated Oct. 10, 1923, and numbered, respectively from 1 to 50 inclusive, and providing for their payment by the annual levy assessment and collection of general ad valorem taxes, on all taxable property in said Road District; approving and validating all orders of the Commissioners' Court of said county in respect of said designated Road District Bonds, but none others, and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room.

Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highway and Motor Traffic, to whom was referred

H. B. No. 421, A bill to be entitled "An Act to amend Chapter 65 of the Local and Special Laws enacted by the First Called Session of the 39th Legislature of the State of Texas, known as House Bill No. 202 creating Road District No. 4, in Atascosa County, Texas, and validating certain District Road Bonds of said Road District and proceedings had with respect to their issue, so as to repeal Section 3-B of said Special Act, legalizing, approving and validating the proposition of issuing District Road Bonds of said Road Dis-

strict in the sum of four hundred and fifty thousand dollars (\$450,000.00) and certain orders and proceedings recited to have been had with respect thereto; declaring intention to in nowise affect any other provisions of said Special and Local law; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room.

Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highway and Motor Traffic, to whom was referred

S. B. No. 335, A bill to be entitled "An Act to amend Section 7 of the Special Laws enacted at the Regular Session of the Thirtieth Legislature, the same being Chapter 34, creating a more efficient road system for Washington County, approved March 21, 1907, and as amended by the Regular Session of the Thirty-second Legislature, Chapter 30, approved March 7, 1911 be amended so as to exempt citizens of Washington County from road duty by payment to the county treasurer money in lieu thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room.

Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 326, A bill to be entitled "An Act creating a more efficient road system for Madison County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the

Commissioners' Court; providing for the laying out establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the Commissioners' Court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the Commissioners' Court of Madison County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and declaring an emergency.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room.

Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 299, A bill to be entitled "An Act to amend Article 4045, Revised Civil Statutes, 1925; making it unlawful to place, set or drag any seine or net, or to carry on, over or into the waters hereinafter referred to; making it unlawful for any person to have in his possession, or to carry such seine or net by vehicle or in any other way, to any point or place within one mile of such waters, or to use any other device or method of taking fish other than the ordinary pole and line, or cast-net or seine of not more than twenty feet in length; making the taking of fish unlawful from the waters of all inland waters for the months of July and August; repealing all laws in conflict herewith, and express reference is hereby made to the provisions found in Article 941, Penal Code of 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute Bill, hereto attached, do pass in lieu thereof.

WIRTZ, Chairman.

Committee Substitute Bill for Senate Bill 299.

A BILL

To Be Entitled

An Act amending Article 941 of the Penal Code of the State of Texas of 1925 so as to regulate and enact provisions in reference to the taking and catching of fish in certain waters; prescribing penalties for violations of the Act; providing that this Act shall supersede any conflicting provisions in the Revised Civil Statutes or any other law of this State conflicting with this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 941 of the Penal Code of the State of Texas of 1925 be, and the same is hereby amended so as to hereafter read as follows:

"Art. 941. Using Seines or Gigs. —It shall be unlawful for any person, at any time, to place, to set or drag any seine or net or use any other device or method for taking fish other than the ordinary pole and line or castnet or minnow seine of not more than twenty feet in length for catching bait within the waters of Offats Bayou in Galveston County from its bend to its mouth, Sabine Pass leading from Sabine Lake to the Gulf of Mexico, San Luis Pass, leading from Galveston West Bay to the Gulf of Mexico, Brown's Cedar Pass, Mitchell's Cut, Pass Cavallo, leading from Matagorda Bay to the Gulf of Mexico, Cedar Bayou leading from Mesquite Bay to the Gulf of Mexico, North Pass or St. Jo Pass, Aransas Pass, leading from Aransas Bay to the Gulf of Mexico, Corpus Christi Pass leading from Corpus Christi Bay to the Gulf of Mexico, Brazos Santiago Pass leading from the lower Laguna Madre to the Gulf of Mexico, the pass on the North of Laguna Madre leading into Corpus Christi Bay, which pass shall be defined as beginning one-fourth mile Southwest of Peat Island and running from said point to Flour Bluff, or within one mile of the above mentioned waters, Agua Dulce Creek, Oso Creek, Shamrock Cove, Nueces River, Ingleside Cove, Red Fish Cove, Shoal Bay, Mud Flats, Shallow Bay, all of Aransas Bay between Port Aransas and Corpus Christi Bayou, lying between

Harbor Island and Mud Island, Mission Bay in Refugio County, Puerto Bay, St. Charles Bay, Hynes Bay, Contec Lake, Oyster Lake, the waters of the Gulf Shore Line one-fourth mile from mean low tide from a point on Padre Island five miles South of Corpus Christi Pass to a point on Mustang Island two miles North of Corpus Christi Pass, Turtle Bay, Lost Lake or Old River Lake in Chambers County as shown by the Government charts, and all other passes connecting the bays and tidal waters of the State within the Gulf of Mexico or within the waters of any pass, stream or canal leading from one body of Texas bay or coastal waters into another body of such waters; provided that nothing in this article shall prevent the use of spear or gig and light for the purpose of securing flounders from such passes. For the purpose of locating all closed waters mentioned in this chapter, it shall be the duty of the Game, Fish and Oyster Commissioner to have erected suitable stakes, monuments or markers at points determined by him as being the outermost boundaries of such closed waters, such stakes or markers to bear the words, "Warning-Closed Waters". Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on first conviction shall be fined not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars, and shall have his license revoked for a period of time not exceeding two years; and on second conviction shall be confined in the county jail for not less than thirty nor more than ninety days; and shall have his license revoked for a period of not less than two years, provided further that the Game, Fish and Oyster Commissioner or his deputy shall have power to seize and keep such seines, or other tackle in his possession as evidence until trial of defendant, and no suit shall be mentioned against him therefor."

Sec. 2. This Act shall supersede any provision in the Revised Civil Statutes conflicting herewith or any other law of this State in conflict with this Act.

Sec. 3. The fact that this Act better regulates the taking of fish in certain waters, creates an emergency and an imperative public necessity that the Constitutional rule requiring

bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 400, A bill to be entitled "An Act amending Articles 3170 and 3171 of the Revised Civil Statutes of 1925 relating to campaign expenses in campaigns for nominations of political parties affected by Chapter 14 of Title 50 of the Revised Civil Statutes of 1925; removing the limitations as to the maximum amount of such expenditures; making other changes in the statutes so as to regulate in a more reasonable manner campaign expenses in primary elections; repealing Chapter 131 of the General Laws of the Regular Session of the 39th Legislature; repealing Articles 265, 267 and 268 of the Penal Code of 1925; and declaring an emergency.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room.

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 369, A bill to be entitled "An Act to provide for establishing, maintaining and operating a dairy, poultry, pecan, crops, and other native products, experiment station on the Miles, Roscoe, and Abilene soil type in Taylor, Jones, Callahan, or Shackelford County, Texas, within a radius of twenty miles of Abilene, Taylor County, Texas; authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station and authorizing said board to establish, operate and conduct said station; authorizing said board to procure a site therefor and to accept donations of land, water,

livestock, seeds, plants, and money for the establishment and maintenance of said station and to use appropriations made by the Legislature to acquire lands and other things in connection with carrying out this Act; providing all things incidental and necessary to the main purpose of this Act; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do pass with the committee amendments hereto attached.

HARDIN, Chairman.

Committee Room.

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 300, A bill to be entitled "An Act to authorize the board of directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of Atascosa, McMullen, Frio, LaSalle, Dimmitt, Zavalla or Maverick Counties in the State of Texas for the purpose of making scientific investigation and experiment in the production of fruits, citrus fruits, nuts and vegetables and methods of combating insect pests and diseases of said products in the said section and conducting scientific experiments in poultry raising and dairying, authorizing said board of directors to acquire a suitable site therefor, and to accept donations of land and money for said purpose, providing that such experiment station shall be under the general supervision of said board of directors and providing that unless donations of land within said territory with available water for irrigation purposes thereon suitable and sufficient for said experiment station are made for said purpose, said experiment station shall not be established, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

HARDIN, Chairman.

Committee Room.

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 402, A bill to be entitled "An Act to amend Article 5394, of the Revised Civil Statutes, 1925, so as to require the drilling of wells upon land awarded to the owner for development of mineral bearing deposits, placers, veins, lodes and rock carrying metallic or non-metallic substances, except oil, natural gas, coal and lignite, that may be in any lands included in this Chapter, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BLEDSON, Chairman.

Committee Room.

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 405, A bill to be entitled "An Act to amend Chapter 2, Title 128 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, adding thereto a new article to be known as Article 7622-A, authorizing lands, either within or without existing water improvement districts, to be included within a district organized for cooperation with the United States under the Federal Reclamation Laws, for the purpose of the construction of irrigation works or the obtaining of a water supply therefrom, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BLEDSON, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 412, A bill to be entitled "An Act making certain emergency

appropriations out of the general revenue of the State of Texas for the several institutions named herein for the balance of the fiscal year ending August 31, 1927, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 10, A bill to be entitled "An Act making an emergency appropriation of three hundred thousand (\$300,000.00) dollars to provide for the immediate construction of two dormitories at the Agricultural and Mechanical College of Texas."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 14, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of three million dollars (\$3,000,000.00) per year, or so much thereof as may be necessary, for the next two fiscal years, ending August 31, 1928, and August 31, 1929, respectively; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 331, A bill to be entitled "An Act directing the State Board of Education to make an apportionment of funds according to scholastic census of certain school districts, providing the method of taking the census, making an appropriation therefor, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 61, A bill to be entitled "An Act to provide for the establishment, maintenance, organization, and management of a Texas State Museum; appropriating the sum of (\$500,00) for the erection of a monumental fireproof building for said museum to be dedicated to the memory of the great men and women of Texas history; appropriating a sum per annum for the support and maintenance of said museum for each of the years ending August 31, 1927, and August 31, 1928, and August 31, 1929; locating said museum on the campus of the University of Texas; constituting the Board of Regents of the University of Texas, a Board of Control for said museum; regulating the exploration of Texas archaeological sites and the search for and accumulation of archaeological specimens and materials and the exportation of the same from the State; declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 341, A bill to be entitled "An Act providing for the compensation and expenses of delegates to a constitutional convention in the event the same should be voted by the people and for the expenses of such convention; making an appropriation

for said purposes, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 8, A bill to be entitled "An Act to appropriate four million eight hundred thousand dollars, or so much thereof as may be necessary, out of the general revenue not otherwise appropriated, to supplement the State available school fund derived from all other sources for the support and maintenance of the public free schools of the State of Texas, for the scholastic year beginning September 1, 1927, and ending August 31, 1928, and the same amount to be appropriated for the same purpose for the scholastic year beginning September 1, 1928, and ending August 31, 1929, to enable the State Board of Education to declare a per capita apportionment of the State available school fund of fifteen dollars for each scholastic year of the biennium, 1927-1929; providing that each year of the biennium the Comptroller is directed to transfer \$400,000.00, or as much thereof as may be necessary, on the first day of each calendar month beginning September first and place it to the credit of the available school fund, to carry out the provisions of this Act, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 18, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 150, A bill to be entitled "An Act making an appropriation of thirty thousand dollars to repair the residence (Mansion House), and office owned by General Sam Houston at the time of his death and located

on the homestead lands belonging to Sam Houston at the time of his death and situated in the City of Huntsville, Texas, and now belonging to Sam Houston State Teachers College, and for the building of the necessary fences around said land and for the construction of gateways, sidewalks, curbing and gutters, a foot bridge, a wagon bridge, paving, retaining wall for the branch running through said land, the payment of fees for a landscape gardener and supervisor, and the grading and beautifying of said grounds."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass as the Committee did not consider this an emergency, but be taken up at the first called session of the 40th Legislature.

WOOD, Chairman.

Amendments to S. B. No. 303.

Senator Wirtz received unanimous consent to have the following printed in the Journal:

1. Amend the bill by striking out all of Section 1, and in lieu thereof insert the following:

"Section 1. Article 5519 of the Revised Civil Statutes of Texas of 1925 is hereby amended so as hereafter to read as follows:

No person who has a right of action for the recovery of real estate shall be permitted to maintain an action therefor against any person having peaceable and adverse possession of such real estate for a period of twenty-five years prior to the filing of such action, under claim of right, in good faith, under a deed or deeds, or any instrument or instruments, purporting to convey the same have been recorded in the deed records of the county in which the real estate or a part thereof is situated; and one so holding and claiming such real estate under such claim of title and possession shall be held to have a good marketable title thereto, and on proof of the above facts shall be held to have established title by limitation to such real estate regardless of coverture, minority, insanity or other disability in the adverse claimant, or any person under whom such adverse claimant claims, existing at the time of the

accrual of the cause of action, or at any time thereafter. Such peaceable and adverse possession need not be continued in the same person, but when held by different persons successively there must be a privity of estate between them."

2. Amend the bill by striking out the caption and in lieu thereof insert the following:

"An Act to amend Article 5519 of the Revised Civil Statutes of Texas of 1925 so as to provide that a person having peaceable and adverse possession of real estate for a period of twenty-five years prior to the filing of a suit therefor, under a deed or deeds, or any instrument or instruments purporting to convey the same, recorded in the deed records of the county in which such real estate or a part thereof is situated, shall have a good marketable title thereto and shall have title by the statutes of limitation regardless of minority, coverture, insanity, or other disability of the person asserting title against such possession, or of any one under whom he claims; and declaring an emergency."

TWENTY-SIXTH DAY.

Senate Chamber,
Austin, Texas,

Saturday, February 19, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Witt.
Love.	Wood.
McFarlane.	Woodward.
Miller.	

Absent.

Russek.	Westbrook.
Stuart.	Wirtz.